

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey**

IN RE: Thomas J. Bubryckie, Jr.

Case No.: 15-21415

Judge:

Debtor(s)

Chapter:

13

**SECOND MODIFIED CHAPTER 13 PLAN AND MOTIONS**

☐ Original  
☐ Motions Included

☒ Modified/Notice Required  
☐ Modified/No Notice Required

☒ Discharge Sought  
☐ No Discharge Sought

Date: \_\_\_\_\_

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The Debtor shall pay 100.00 Monthly to the Chapter 13 Trustee, starting on July 1, 2016 for approximately 36 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings  
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:



Sale of real property

Description: 76 South Road Chester, NJ 07930

Proposed date for completion: 7/31/2017



Refinance of real property

Description:

Proposed date for completion:



Loan modification with respect to mortgage encumbering property

Description:

Proposed date for completion:

d. ☐

The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒

Other information that may be important relating to the payment and length of plan:

South Road home to be sold- proceeds used to fund 100% plan including repayment of mortgage arrears on Frog Hollow Road

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$\_\_\_\_ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to \_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Joan Sirkis Lavery -JL4841	Attorney Fees	2,000.00

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
M&T Bank, assignee of Hudson City Savings Bank	home: Location: 10 Frog Hollow Road, Califon NJ 07830	129,631.07	0.00	0.00	2057.00

**b. Modification**

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated

as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
-NONE-							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

Creditor

**e. Secured Claims to be paid in full through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
MTGLQ Investors, assignee of former Chase Bank	Inherited property located at 76 South Road, Chester, NJ	unknown

**Part 5: Unsecured Claims**

**a. Not separately classified** Allowed non-priority unsecured claims shall be paid:

\_\_\_\_\_ Not less than \$\_\_\_\_\_ to be distributed *pro rata*

  x   Not less than   100   percent

\_\_\_\_\_ *Pro Rata* distribution from any remaining funds

**b. Separately Classified Unsecured Claims shall be treated as follows:**

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims

- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-petition claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9 : Modification**

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: \_\_\_\_\_

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
although actively trying to sell the property located at 76 South Road, Chester, NJ since the filing, the property still has not sold. Also, Hudson City mortgage has been assigned to M&T Bank and Chase mortgage has been assigned to MTGLQ Investors.	sale date for 76 South Road, Chester, NJ is being changed to July 31, 2017. Also, reference is being made to the assignments of the mortgages from Hudson City to M&T Bank and from Chase Mortgage to MTGLQ Investors.

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

**Part 10: Sign Here**

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date December 22, 2016 /s/ Joan Sirkis Lavery  
Joan Sirkis Lavery  
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: December 22, 2016 /s/ Thomas J. Bubryckie, Jr.  
Thomas J. Bubryckie, Jr.  
Debtor

Date: \_\_\_\_\_  
Joint Debtor

**Certificate of Notice Page 6 of 7**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Thomas J. Bubryckie, Jr.  
 Debtor

Case No. 15-21415-MBK  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 29

Date Rcvd: Dec 27, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 29, 2016.

db +Thomas J. Bubryckie, Jr., 10 Frog Hollow Road, Califon, NJ 07830-3549  
 cr +JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESS, Phelan Hallinan & Schmieg, PC,  
 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437  
 515573757 +CNH Industrial Capital America, PO Box 3600, Lancaster, PA 17604-3600  
 515573754 Capital One Bank, PO Box 70884, Charlotte, NC 282720884  
 515786528 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083  
 515573755 Capital One Bank USA NA, PO Box 30281, Salt Lake City, UT 84130-0281  
 515573756 Chase Home Finance, PO Box 78420, Phoenix, AZ 85062-8420  
 515573758 +Craner, Satkin & Scheer, P.A., 320 Park Ave, Scotch Plains, NJ 07076-1100  
 515573760 +HSBC BANK, PO Box 9, Buffalo, NY 14240-0009  
 515644492 +Hudson City Savings Bank, c/o Parker McCay P.A., 9000 Midlantic Dr., Suite 300,  
 Mt. Laurel, NJ 08054-1539  
 515573763 Morristown Emergency Medical Associates, PO Box 417442, Boston, MA 02241-7442  
 515573764 +Morristown Medical Center, 17 Prospect Street, Morristown, NJ 07960-6862  
 515573765 +Morristown Memorial Hospital, P.O. Box 10219, Newark, NJ 07193-0219  
 515573766 +Morristown Pathology Assoc, PA, PO Box 190, Convent Station, NJ 07961-0190  
 515573767 +Panther Valley Property Owners Associati, PO Box 54, Allamuchy, NJ 07820-0054  
 515573770 +SST/CIGPFI Corp, 4315 Pickett Road, Saint Joseph, MO 64503-1600  
 515573771 +SST/SYNOVUS, 4315 Pickett Road, Saint Joseph, MO 64503-1600  
 515573773 The Home Depot/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497  
 515573774 #+Zucker Goldberg & Ackerman, 200 Sheffield Street, Suite 301, P.O. Box 1024,  
 Mountainside, NJ 07092-0024

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Dec 28 2016 02:42:48 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Dec 28 2016 02:42:45 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 515573759 +E-mail/Text: mmbk@fenton-mcgarvey.com Dec 28 2016 02:42:00  
 Fenton & McGarvey Law Firm, P.S.C., 2401 Stanley Gault Parkway, Louisville, KY 40223-4175  
 515573761 +E-mail/Text: camanagement@mtb.com Dec 28 2016 02:42:31 Hudson City Savings Bank,  
 west 80 century road, Paramus, NJ 07652-1478  
 515947238 +E-mail/Text: camanagement@mtb.com Dec 28 2016 02:42:31 M&T Bank, et al, c/o M&T Bank,  
 Mortgage Payment Processing, One Fountain Plaza, 7th Floor, Buffalo, NY 14203,  
 M&T Bank, et al 14203-1420  
 515947237 +E-mail/Text: camanagement@mtb.com Dec 28 2016 02:42:31 M&T Bank, et al, c/o M&T Bank,  
 Mortgage Payment Processing, One Fountain Plaza, 7th Floor, Buffalo, NY 14203-1420  
 515573768 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Dec 27 2016 23:59:16  
 Portfolio Recovery, 120 Corporate Blvd, Norfolk, VA 23502  
 515782921 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Dec 27 2016 23:59:16  
 Portfolio Recovery Associates, LLC, c/o Orchard Bank, POB 41067, Norfolk VA 23541  
 515573769 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Dec 28 2016 01:40:16  
 Portfolio Recovery Associates, 140 Corporate BLVD, Norfolk, VA 23502-4952  
 515748207 +Fax: 866-311-5818 Dec 28 2016 03:59:20 Systems & Services Technologies, Inc (SST),  
 4315 Pickett Road, St. Joseph, MO 64503-1600

TOTAL: 10

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

515573753 Atlantic Healthcare  
 515573762 Medical Hospital and Doctors  
 515573772 tenant  
 515640767\* +Hudson City Savings Bank, West 80 Century Road, Paramus, NJ 07652-1478

TOTALS: 3, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
 While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 29

Date Rcvd: Dec 27, 2016

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 29, 2016

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 22, 2016 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com  
Albert Russo docs@russotrustee.com  
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com  
Andrew L. Spivack on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR  
BY MERGER TO CHASE HOME FINANCE LLC nj.bkecf@fedphe.com  
Brian E Caine on behalf of Creditor M&T Bank, et al bcaine@parkermccay.com,  
BKcourtnotices@parkermccay.com  
Brian E Caine on behalf of Creditor HUDSON CITY SAVINGS BANK bcaine@parkermccay.com,  
BKcourtnotices@parkermccay.com  
Denise E. Carlon on behalf of Creditor MTGLQ INVESTORS, L.P. dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Joan Sirkis Warren on behalf of Debtor Thomas J. Bubryckie, Jr. joan@joanlaverylaw.com  
Joel A. Ackerman on behalf of Creditor HUDSON CITY SAVINGS BANK, a federally chartered  
savings bank organized and existing under the laws of the State of Delaware  
jackerman@zuckergoldberg.com  
Lynn Therese Nolan on behalf of Creditor M&T Bank, et al LNolan@schillerknapp.com,  
tshariff@ecf.courtdrive.com;tshariff@schillerknapp.com;kcollins@schillerknapp.com  
Michael E. Blaine on behalf of Creditor M&T Bank successor by merger to Hudson City Savings  
Bank mblaine@schillerknapp.com,  
tshariff@ecf.courtdrive.com;tshariff@schillerknapp.com;kcollins@schillerknapp.com  
TOTAL: 11